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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY PRODUCTS
LIABILITY LITIGATION

THIS FILING RELATES TO:

ALL ACTIONS

MDL No. 3047

Case No. 4:22-md-03047-YGR

Honorable Yvonne Gonzalez Rogers

**META DEFENDANTS' OPPOSITION TO
STATE AGS' MOTION RE: FORMAT
FOR BRIEFING DISCOVERY
DISPUTES FOR UP TO 29 STATES**

1 The Court should deny the State AGs' Administrative Motion (ECF 1407), and instead direct the
 2 State AGs and Meta¹ to submit one 10-page single-spaced joint letter brief ("JLB") addressing disputes
 3 that are common across the 29 States at issue (five pages for each side), followed by one-page State-
 4 specific appendices (0.5 page for each side, per State), with attachments listing proposed search terms and
 5 custodians (consistent with Section H.3 the Court's Standing Order allowing "excerpt[s] of the specifically
 6 disputed discovery request or material").

7 In Discovery Management Order No. 12, the Court set next Tuesday, December 9, 2024, as the
 8 last day for Meta and the State AGs to file discovery letter briefs regarding disputes concerning the
 9 production of state agency documents. ECF 1380 at 2. With that deadline in mind, Meta has made
 10 massive efforts to confer with the States and offered meaningful compromises in its positions, following
 11 the Court's clear guidance to "get this discovery done," and continues to do so. 11/21/24 DMC Tr. at
 12 11:15-16. For example, Meta has de-prioritized or agreed to permit "go get 'em" or targeted searches for
 13 at least 40 agencies. And Meta has held multiple meet-and-confers with States and their agencies every
 14 business day since the conclusion of the last CMC. Progress, however, has been slowed for the remainder,
 15 due to certain States' unwillingness to even begin providing Meta until mid-last week with the initial hit
 16 reports that the Court admonished them to provide at the last DMC, and some States still have not provided
 17 these hit reports. Further obstacles to avoiding letter briefing have been that most States still have not
 18 provided the proposed search terms and custodians this Court has repeatedly ordered, or that they initially
 19 agreed to provide. Meta will continue to attempt to confer with the States and reach agreement, but given
 20 the inability to ensure even basic compliance with the Court's prior Orders from a large number of these
 21 States, Meta presently intends to seek relief as to 29 of the States.²

23 ¹ For purposes of this opposition, "Meta" means Meta Platforms, Inc.; Instagram, LLC; Meta Payments,
 24 Inc.; and Meta Platforms Technologies, LLC, the entities named as Defendants in the State AG lawsuits.

25 ² There were originally 35 States with lawsuits pending in this MDL, but on October 16, 2024, North
 26 Dakota voluntarily dismissed its lawsuit without prejudice (ECF 1219), and on November 22, 2024,
 27 Georgia voluntarily dismissed its lawsuit with prejudice (ECF 1359). Of the remaining 33 States, three
 28 are not subject to the discovery requests at issue because they have asserted only COPPA claims; and
 one (South Carolina) has reached agreement on search terms with Meta, such that no briefing will be
 necessary.

1 The States' proposal for briefing these issues would be needlessly burdensome and inefficient.
 2 While the Court's Standing Order directs parties to brief discovery disputes through five-page single-
 3 spaced JLBs, these States present common issues under uniform federal law that can be addressed in a
 4 global letter brief.³ Moreover, it does not appear that the Court's Standing Order contemplates parties
 5 who chose to sue together in a single complaint each insisting on duplicative separate letter briefing, which
 6 in this case would result in up to 29 separate JLBs, totaling up to 145 pages of briefing as opposed to the
 7 up-to-39 pages that Meta is proposing. Indeed, the States' view on this point disregards the Court's prior
 8 comments on the burdensome form in which the States have previously insisted on briefing earlier, related
 9 disputes.⁴

10 For these reasons, Meta respectfully requests that the Court deny the State AGs' Administrative
 11 Motion and instead enter the attached proposed order requiring the Parties to submit one 10-page JLB
 12 addressing disputes that are common across state agencies at issue (five pages for each side), followed by
 13 one-page State-specific specific appendices for each State at issue (0.5 page for each side, per State) and
 14 attachments of proposed search terms and custodians.⁵ Meta believes that even shorter briefing could also
 15 suffice.

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 19 ³ Meta previewed for the State AGs on Tuesday, December 3 its expected categorization of the States,
 20 for purposes of briefing, into four groupings, and on the morning of Thursday, December 5 shared an
 21 initial list of state agencies falling into each category—all with the understanding that negotiations are
 22 ongoing and categorizations could change.

23 ⁴ *See, e.g.*, ECF 1117 (Order on Meta's Request for Party Discovery on State Agencies) at 8 ("Despite
 24 [the State AGs'] request for state-by-state briefing ... , throughout the briefing and oral argument, the
 25 Attorneys General of the individual states raise several arguments that implicate the same or similar
 26 legal issues."); *id.* at 248 (expressing disappointment that the Court was required to "expend its valuable
 27 resources analyzing over thirty-five briefs on this 'control' issue (where the State Attorneys General
 28 requested that the issues here required separate briefing for each State) ... and prepare this admittedly
 length[y] Order (where ... a large number of the arguments overlapped and repeated, with only slight
 variations, from state to state).").

⁵ The States filed their motion after Meta affirmatively made this precise proposal to them, alternatively
 offering to jointly contact the Court with the sides' competing proposals. The States said they would
 consider the proposal, and after Meta followed up, announced that they were unilaterally moving and
 would not jointly seek the Court's guidance.

1 Respectfully submitted,

2 DATED: December 5, 2024

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